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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: S.L. Eikenberg

Attorney Docket No.: USAM117030

Application No.: 09/828,601

Filed: April 6, 2001

Examiner: --

Title:

EASY ACCESS DENTAL FIELD OPERATING AND TREATMENT
SYSTEM HAVING OVER-THE-PATIENT DELIVERY

DECLARATION IN LIEU OF OATH OF
STEVEN L. EIKENBERG UNDER 37 C.F.R. § 1.56

TO THE COMMISSIONER FOR PATENTS:

I, Dr. Steven L. Eikenberg, state as follows:

1. I am employed by the United States Army, which will become the eventual assignee of the above-referenced U.S. patent application.
2. I am the named inventor listed on the above-referenced U.S. patent application.
3. Prior to filing the above-referenced patent application, I was involved in obtaining a few prototypes used for experimentation. These prototypes were obtained under the conditions summarized as follows.
4. On or about 07 July 1999 through 13 August 1999 (multiple levels of paperwork and multiple signature requirements make it difficult to determine date with specificity): USADRD (United States Army Dental Research Detachment) executed a Supply Request Form to Martin-Peterson Company requesting "custom dental cases fabricated per and customer specified essential characteristics wood prototype. Item to be made from gauge 304 #4 stainless steel." (see attached copy of purchase request appearing as page A1 of the Appendix).
5. On or about 27 July 1999: Martin Peterson Company, Inc. executed Quote #JGS99034 to the Tri-Service Research Detachment -- Great Lakes for "3 [three] custom dental

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

cases per customer wood prototype an spec sheet except made from 13Ga 304 #4 S.S." (see attached copy of Quote #JGS99034 appearing as page A2 of the Appendix).

6. On or about 10 August 1999: A Procurement Order was issued by U.S. Army Medical Research Acquisition Activity to Martin-Peterson Company for 3 (three) "custom dental cases fabricated per and customer specified essential characteristics wood prototype. Item to be made from 16 gauge 304#4 Stainless Steel." (see attached copy of Procurement Order appearing as page A3 of the Appendix).

7. On or about 09 September 1999: A Shipping Ticket was executed by Martin Peterson, Co. Inc. for "3 Custom Dental Cases." (see attached copy of Shipping Ticket appearing as page A4 of the Appendix).

8. On or about 10 April 2000 through 11 April 2000 (multiple levels of paperwork and multiple signature requirements make it difficult to determine date with specificity): USADRD (United States Army Dental Research Detachment) executed a Supply Request Form to Martin-Peterson Company requesting "custom built dental delivery system cases for prototype USADRD DEFTOS." (see attached copy of Supply Request Form appearing as page B1 of the Appendix).

9. On or about 05 April 2000: Martin Peterson Company, Inc. executed Quote #00JGS055 to the Tri-Service Research Detachment -- Great Lakes for "1 [one] Custom Delivery System Cases For Prototype Field Treatment And Operating System; 5 [five] Custom Delivery System Cases for Prototype Field Treatment and Operating System; 7 [seven] Custom Delivery System Cases for Prototype Field Treatment and Operating System." (see attached copy of Quote #00JGS055 appearing as page B2 of the Appendix).

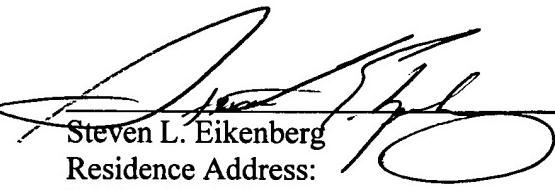
10. On or about 23 August 2000: Martin Peterson Company, Inc. executed an Invoice having Order #DAMD1700P0538 to the US Army Dental Research Detachment -- Great Lakes for "7 [seven] Custom Dental Laser Cases" having a Section B addendum listing Supplies

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1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

or Services and Prices which recited "custom built dental delivery system case FFP0 Custom Built Delivery System Cases for Prototype USADRD DEFTOS . . ." (see attached copy of Invoice having Order #DAMD1700P0538 appearing as pages B3-B4 of the Appendix).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 15 May 2001


Steven L. Eikenberg
Residence Address:
3421 - 109th Street
Pleasant Prairie, Wisconsin 53158

DRC:sbk

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1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

APPENDIX A

SHATTUCK

ÚSADRD

SUPPLY REQUEST FORM

PROVALS	Branch Chief	Dir. of Res.	XO/Comptroller	Chief, Logistics
initials/date	1990-01-17	DR 128 Jul 99	CR 17-08-99	John Smith 8/10

REQUESTED BY	Branch	Name	Phone #	APC	HR #	Date
	BIOENG	LTC Eikenberg	847-688-7373 ext 270	9ZBC	DLL	990721

JUSTIFICATION	To construct a customized case for the USADRD prototype electric field dental treatment and operating system developed in accordance with protocol 451.

SOURCE	Company Martin-Petersen Company		
	Address 9625- 55 th St		
	City Kenosha	State WI	Zip 53144
	POC Jim Saviglio	Phone 414-658-1326	
	GSA #	FAX 414-658-8694	

Credit Card Orders (<\$2500): Items must be in stock. Vendor must take Government Visa Card. No more than 15 line items.

Purchase Orders (>\$2500): Include Manufacturer and Manufacturer Part #. Minimum Essential Requirements must be attached.

To Expedite All Orders: Provide all required information. Verify all prices with vendor. If possible, attach vendor price quote with price quote # and date of quote.

Log Action	Control #	9223 - 4013	Ordered By	Luhn Sherriff
	CAPR #		Date	13 Aug 99



Martin Petersen Company, Inc.

Mechanical Contractors, Fabricators, & Engineers.

(Custom Stainless Steel Manufacturers for 46 years)

(ASME Tank Manufacturers)

9625 55th Street - Kenosha, WI 53144 - 414.658.1326 - 414.658.0694 Fax

To: Tri-Service Research Detachment - Great Lakes

Quote # JGS99034
Date 7/27/99
Delivery 3 Weeks
Ship Via UPS
F.O.B Kenosha
Terms Net 30
Revised

Attn: LTC Steven Eikenberg

3	Custom Dental Cases per customer wood prototype and spec sheet except made from 16Ga. 304 # 4 S.S.	\$798.00	\$2,394.00
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Quote Good for 60 Days

Total Price \$2,394.00

BY: Jim Savaglio

Date: 7/27/99

PROCUREMENT FOR
CARD

DIV/DEPT
17

ESTIMATED DELIVERY DATE
10-SEP-99

CONTROL NO
9223 4013

CONTRACTOR:

MARTIN-PETERSEN CO

9625-55TH ST

KENOSHA

WI 53144

JIM SAVIGLIO

414-658-1326

ORDER ISSUED BY:

U.S. ARMY MEDICAL RESEARCH
ACQUISITION ACTIVITY

ATTN: MCMR-RMA
FORT DETRICK, MD 21702-5014

SHIP TO:

DENTAL RESEARCH DETACHMENT

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PAYMENT WILL BE MADE BY:

DEFENSE FINANCE & ACCOUNTING SERVICE
ATTN: DFAS-SA/FPAM (Ms Shu-Li Shelton)
500 McCollough Ave
San Antonio, TX 78215-2100
PHONE (210) 527-8318

ACCOUNTING & APPROPRIATION DATA (CHECK APPLICABLE FUNDS)

2192040 9748106 633002.840GA 26ER 9ZBC S18064 DLL

Commitment No	Item	Fy	Apc	Eor	Qty	Price	Commitment Uti
10YCU9223N031	CUSTOM DENTAL CASES FABRICATED PER AND CUSTOMER SPECIFIED ESSENTIAL CHARACTERISTICS WOOD PROTOTYPE. ITEM TO BE MADE FROM 16 GAUGE 304#4 STAINLESS STEEL.	99	9ZBC	26ER	3	798	2394 EA

I CERTIFY THAT THE PRICES SHOWN ARE CONSIDERED FAIR AND REASONABLE)

Total

(BUYERS NAME)

2394

SHIPPING TICKET

MARTIN PETERSEN CO. INC.
9625 55th Street
KENOSHA WI. 53144
Phone 414-658-1326

Customer

Ship To

GLNB

Date 09/09/99 PO Number Ship_Via CUST P/U/VISA

JOB-Phase Qty Shipped Description

M91394-0 3 CUSTOM DENTAL CASES

RECEIVED BY

Det. Ray Kelley Date 9/10/

APPENDIX B

USADRD

SUPPLY REQUEST FORM



APPROVALS	Branch Chief	Dir. of Res.	XO/Comptroller	Chief, Logistics
initials/date	1000410	BSR 10 Apr 00	SEL 11 APR 00	M 11 APR 00

REQUESTED BY	Branch	Name	Phone #	APC	HR #	Date
	BIOENG	LTC Eikenberg	847-688-7373 ext 270	9R24		000410

JUSTIFICATION	To construct delivery system cases for USADRD prototype field treatment and Operating system, 6.3 Advance Demonstration Model. Subcomponents will be Assembled within this custom built case. This work is in accordance with USADRD protocol 451. (see sole source justification)
<i>RUSHTON</i>	

SOURCE	Company Martin-Petersen Company		
	Address 9625- 55 th St		
	City Kenosha	State WI	Zip 53144
	POC Jim Saviglio	Phone 262-658-1326	
	GSA #	FAX 262-658-8694	

Credit Card Orders (<\$2500): Items must be in stock. Vendor must take Government Visa Card. No more than 15 line items.
Purchase Orders (>\$2500): Include Manufacturer and Manufacturer Part #. Minimum Essential Requirements must be attached.
To Expedite All Orders: Provide all required information. Verify all prices with vendor. If possible, attach vendor price quote with price quote # and date of quote.

Log Action	Control # 0102-8031 CAPR #	Ordered By Date
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W80YCM 0102 NUSO

0102 - B100



Martin Petersen Company, Inc.

Mechanical Contractors, Fabricators, & Engineers

(Custom Stainless Steel Manufacturers for 46 years)

- (ASME Tank Manufacturers)

9625 55th Street - Kenosha, WI 53144 - 414.658.1326 - 414.658.0694 Fax

To: Great Lakes Army Dental Research

Quote #	00JGS055
Date	4/5/2000
Delivery	4 Weeks
Ship Via	best way
F.O.B.	Kenosha
Terms	Net 30
Revised	4/10/2000

Attn: LTC Steven Eikenberg

1	Custom Delivery System Cases for Prototype Field Treatment and Operating System	\$ 2,680.00	\$ 2,680.00
5	Custom Delivery System Cases for Prototype Field Treatment and Operating System	\$ 1,448.00	\$ 7,240.00
7	Custom Delivery System Cases for Prototype Field Treatment and Operating System	\$ 1,373.00	\$ 9,611.00

Quote Good for 60 Days

Total Price

BY: Jim Savaglio

Date: 4/10/2000

mpc

Remit To:

Martin Petersen Company Inc.
P.O. Box 686366
Milwaukee, WI 53268-6366

INVOICE

Sold To:

**US ARMY DENTAL RESEARCH DETACHMENT
C/O NAVAL DENTAL RESEARCH INSTITUTE
310B B ST BLDG AHH
GREAT LAKES IL 60088**

Date: 08/23/2000

Order #: DAMD1700P0538

Invoice #: 201405M

Terms: net 30

Ref# M00903

Monthly statements no longer rendered. Please pay from this invoice

A Service charge of 1 1/2% per month (18% per annum) will be added to past due invoices.

Qty	Description	Unit Price	Total
7	CUSTOM DENTAL LASER CASES	1373.00	9611.00
Invoice Total			9611.00

Office at 9625 55th Street Kenosha, WI 53144 Phone 262.658.1326 Fax 262.658.0

SECTION B Supplies or Services and Prices

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001		7.00	Each	\$1,373.00	\$9,611.00

CUSTOM BUILT DENTAL DELIVERY SYSTEM CASE
 FFP - CUSTOM BUILT DENTAL DELIVERY SYSTEM CASES FOR
 PROTOTYPE USADRD DEFTOS
 PURCHASE REQUEST NUMBER W80YCU-0102-N080

NET AMT	\$9,611.00
ACRN AA Funded Amount	\$9,611.00